

**SCOTTISH
NATURAL
HERITAGE**



**Monach Islands
Special Area of Conservation**

Advice under Regulation 33(2)
of The Conservation (Natural Habitats, &c.) Regulations 1994
(as amended)

30 March 2006

About this Package:

Section 1 of this document provides a general introduction and Sections 2 and 3 fulfil Scottish Natural Heritage's duties under Regulation 33(2) of The Conservation (Natural Habitats, &c.) Regulations 1994 (Habitats Regulations) (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004). This requires that SNH advises other relevant authorities as to the conservation objectives of the site (see Section 2) and any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species, in so far as such disturbance could be significant, for which the site has been designated (see Section 3).

Annexes A and B provide supplementary, non-statutory information. Annex A gives information on the sensitivity and vulnerability of the marine qualifying interest: 'Grey seal *Halichoerus grypus*'. Annex B gives some indication as to the extent, distribution, structure, function and processes that affect the qualifying interests. It should be noted that this is indicative and not definitive, and as more site information is gathered these sections may be updated.

The Monach Islands were designated by Scottish Ministers as a Special Area of Conservation (SAC) on 17th March 2005. This site is also referred to as a 'European site' (Regulation 10(1)). A 'European marine site' is a 'European site' which is wholly or in part marine (Regulation 2(1)) and is hereafter referred to as a marine SAC.

Although the following statutory information is for the benefit of relevant authorities (see below for explanation of their role), it can also be used by other competent authorities when assessing plans or projects.

1 Introduction

1.1 Background

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004), commonly referred to as the Habitats Regulations, transpose the EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) into domestic legislation. Regulation 33(2) gives Scottish Natural Heritage a statutory responsibility to advise other relevant authorities as to the conservation objectives for marine SACs in Scotland, and any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species for which the site has been designated.

This document presents the Regulation 33 advice, plus supporting information, for the Monach Islands SAC to assist relevant and competent authorities, local interest groups and individuals in considering management of the site. This advice, plus supporting information, will also help to determine the scope and nature of any “appropriate assessment”, which the Habitats Directive requires to be undertaken for proposed plans and projects that are not connected to the conservation management of the site and are considered likely to have a significant effect. Where necessary Scottish Natural Heritage will also provide more detailed advice to relevant, and other competent, authorities to inform assessment of the implications of any such plans or projects.

1.2 Relevant and competent authorities

Within the context of a marine SAC, a relevant authority is a body or authority that has a function in relation to land or waters within or adjacent to the site (Regulation 5) and include: a nature conservation body; a local authority; water undertakers; a navigation authority; a harbour authority; a lighthouse authority; a river purification board (SEPA); a district salmon fishery board; and a local fisheries committee. *All relevant authorities are competent authorities.*

A competent authority is defined in Regulation 6 as “any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office”. In the context of a plan or project, the *competent authority* is the authority with the power or duty to determine whether or not the proposal can proceed.

1.3 The role of relevant authorities

The Habitats Regulations require relevant authorities to exercise their functions so as to secure compliance with the Habitats Directive. A management scheme may be drawn up for each marine SAC by the relevant authorities as described under Regulation 34. For marine SACs with overlapping interests, a single management scheme may be developed.

Where a management scheme is in place the relevant authorities must ensure that all plans for the area integrate with it. Such plans may include shoreline

management plans, Sites of Special Scientific Interest (SSSI) management plans, local Biodiversity Action Plans (BAPs) and sustainable development strategies for estuaries. This must occur to ensure that only a single management scheme is produced through which all relevant authorities exercise their duties under the Habitats Regulations.

1.4 Responsibilities under other conservation designations

Other designations within or adjacent to the Monach Islands marine SAC are: the Monach Islands National Nature Reserve; Monach Islands Special Protection Area; Monach Islands SSSI. The obligations of relevant, and other competent authorities and organisations under such designations and legislation are not affected by the advice contained in this document.

1.5 Conservation objectives

Section 2 of this document contains the conservation objectives for the marine components of the Monach Islands marine SAC, a site which consists of both marine and terrestrial qualifying interests. The conservation objectives have been developed to ensure that the obligations of the Habitats Directive are met.

1.6 Advice as to operations

The operations, set out in Section 3, are those which SNH advise may cause deterioration of habitats of species, or disturbance of species, for which the site has been designated. This does not necessarily mean that the operations are *presently* ongoing or, if they are, that they are at levels incompatible with the conservation objectives.

1.7 Plans and projects

The Habitats Regulations require that, where an authority concludes that a development proposal is unconnected with the nature conservation management of a Natura site and is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the qualifying interest for which the area has been designated.

1.8 Review of Consents

Competent authorities are required by the Habitats Regulations to undertake a review of all consents and permissions for activities affecting the site as soon as reasonably practicable after it becomes a European site. This will have implications for discharge and other consents, which will need to be reviewed in the light of the conservation objectives.

2 Statutory advice given by SNH under Regulation 33(2) Conservation Objectives

2.1 Introduction

This section provides conservation objectives, which have been developed by SNH in agreement with the Scottish Executive and are to be provided to the relevant authorities in fulfilment of the requirements under Regulation 33(2) of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004).

The conservation objectives ensure that the obligations of the Habitats Directive are met; that is, there should not be deterioration or significant disturbance of the qualifying interest. This will also ensure that the integrity of the site is maintained and that it makes a full contribution to achieving favourable conservation status for its qualifying interest.

The Monach Islands marine SAC has been designated for the species 'Grey seal *Halichoerus grypus*', which is listed on Annex II of the Habitats Directive.

The Monach Islands SAC also consists of terrestrial qualifying interests, which are listed below the conservation objectives (see the SNH website www.snh.org.uk for more information).

The conservation objectives for the marine qualifying interest of the Monach Islands marine SAC are as follows:

To avoid deterioration of the habitats of qualifying species (Grey seal <i>Halichoerus grypus</i>) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for the qualifying interest.
To ensure for the qualifying species that the following are maintained in the long term:
<ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species

The terrestrial qualifying interests of the Monach Islands SAC are as follows:

- Dune grassland
- Machair
- Shifting dunes with marram

3 Statutory advice given by SNH under Regulation 33(2) Operations

The following advice as to operations to be considered by relevant authorities is provided by SNH with respect to the Monach Islands marine SAC in fulfilment of the requirements under Regulation 33(2)(b) of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004). The advice identifies those operations, either on or affecting the SAC, which may cause deterioration of the marine natural habitats or the habitats of species, or disturbance of species, for which the site has been designated. These include operations that may not be currently affecting the Monach Islands marine SAC.

Operations (in alphabetical order)

Coastal Development

Civil engineering

Fishing

Static gear: Creel / Pot fishing

Gathering / Harvesting

Intertidal collection of seaweed

Intertidal collection of shellfish

Marine Development

Offshore renewable energy developments

Marine Traffic

Commercial vessels

Military Activity

Military exercises

Recreational Activities

Charter / recreational vessels

Other recreational activities

Sea kayaking

Scientific Research

Scientific research

Annex A

Non-statutory advice given by SNH Sensitivity and Vulnerability of the Monach Islands SAC 'Grey seal *Halichoerus grypus*' to activities listed in Section 3

The comments below are general and should not be considered to be definitive. They are made without prejudice to any comments SNH may provide or any assessment that may be required for specific proposals to be considered by a relevant authority. The level of any impact will depend on the location and intensity of the relevant activity. This advice is provided to assist and focus the relevant authorities in their consideration of the management of these operations.

Operations	Comments
Coastal Development	
Civil engineering	The construction and maintenance of structures, both within and adjacent to the sea, have the potential to cause disturbance during the breeding, pupping and moulting seasons. This activity also has the potential to cause loss or deterioration of the habitats upon which the seals depend during the same critical periods.
Fishing	
Static gear: Creel / Pot fishing	Creel / pot fishing has the potential to impact seals as they have been known to attempt to rob creels of their bait, consequently become entangled and subsequently drown.
Gathering / Harvesting	
Intertidal collection of seaweed	Intertidal collection of seaweed has the potential to cause significant disturbance to seals (particularly during breeding, pupping and moulting seasons), mainly caused by intense and prolonged human presence.
Intertidal collection of shellfish	Collection of shellfish from intertidal areas has the potential to cause disturbance to seals (particularly during breeding, pupping and moulting seasons), mainly caused by intense and prolonged human presence.
Marine Development	
Offshore renewable energy developments	Offshore renewable energy developments e.g. wave energy, both within and adjacent to the SAC have the potential to cause direct loss and / or deterioration of qualifying habitats and communities as tidal currents, and therefore coastal processes, may be affected.
Marine Traffic	
Commercial vessels	Commercial vessels such as fishing boats have the potential to cause disturbance to seals if these vessels pass and / or moor close to the seal haul out areas, particularly during the breeding, pupping and moulting seasons. Oil spills have the potential to cause damage to seal haul outs. Seals generally leave an area in which oil is spilled but a small number of individuals may suffer from respiratory problems and die as a result of the spillage of a large amount of oil. There is always a risk that a fishing boat or other commercial vessel may run aground in the area spilling diesel and fuel oil. Local authority oil spill contingency plans should take into account the qualifying interests of the Monach Islands and the importance of the marine SAC, particularly during the seal's breeding, pupping and moulting seasons, should such incidents occur.

Military Activity	
Military exercises	The use of small landing crafts or boats, prolonged human presence, aircraft noise from low flying jets or helicopters, or noise from explosives have the potential to cause disturbance of seal populations.
Recreational Activities	
Charter / recreational vessels	<p>Charter boats, especially on trips specifically designed to visit seal colonies, have the potential to disturb seals (particularly during the sensitive breeding, pupping and moulting periods) if appropriate guidelines for watching seals are not adhered to.</p> <p>Charter and recreational vessels may leave visitors to explore offshore islands or more remote areas that are close to seal haul out sites. Such human presence also has the potential to cause disturbance to seals if guidelines are not adhered to.</p>
Other recreational activities	Wildlife watching and the filming of wildlife has the potential to cause disturbance to seals if undertaken during the breeding, pupping and moulting seasons and close to haul out areas. This disturbance would be caused by prolonged human presence, and the use of boats and helicopters for access or for filming purposes.
Sea kayaking	Sea kayaking and other activities such as canoeing and rowing have the potential to cause disturbance to seals, particularly during the breeding, pupping and moulting seasons. This disturbance will mainly be caused by seals being suddenly alarmed by the proximity of a quiet, approaching boat.
Scientific Research	
Scientific research	Research activities have the potential to cause disturbance to seals, particularly during the breeding, pupping and moulting seasons.

Annex B

Non-statutory Advice given by SNH Site account

Site description

The Monach Islands, a small chain of 5 low-lying islands, lie some 10 km west of the Outer Hebridean island of North Uist. Three of the islands are linked by shell sand tombolos with the shores backed by dunes. The shores are low-lying and wide, consisting of a mixture of rocky reefs and shell sand beaches. Although the site is very exposed to wave action, the coastal shallows attenuate the wave energy giving rise to rocky shore communities characteristic of more sheltered conditions, and localised rock pool communities. The same is true of the sublittoral reefs where there are extensive broken bedrock platforms and boulders supporting kelp forests, which are important areas for the grey seals. The islands support the second largest breeding group of grey seals in the world.

Qualifying marine interest

Annex II Species: Grey seal *Halichoerus grypus*

The Monach Islands have been designated for the large breeding group of grey seals *Halichoerus grypus* that they support. The breeding group on the Monach Islands is the largest in both the UK and the EU, and is one of less than 50 offshore sites and three mainland sites in the UK where the grey seal is known to breed. About 8,500 pups are produced each year, representing a group size of about 30,000 animals, 26% of the UK and 25% of the EU population of the species. This group has expanded rapidly since the Monach Islands became uninhabited in 1942, with the estimated 50 pups produced in 1961 expanding to the current estimate, which is still showing a substantial annual increase in size. The data above were used for site evaluation purposes. Since then the Seal Mammal Research Unit (SMRU) has carried out further surveys, which indicate that the population is stable.

The islands are rarely disturbed by human activities during the breeding season. The seals haul out and pup on all of the islands, with the east side of Ceann Ear and north side of Ceann Iar favoured. The reefs, submerged sandbanks, kelp forests and supporting communities are important feeding grounds for the seals. Although grey seals can travel considerable distances to feed, the near shore waters with shallow reef and sediment habitats may be essential for successful feeding and breeding of the grey seal group. The distribution of non-breeding seals, and breeding seals outwith the breeding season, may be very different to that in the breeding season. Seals are present throughout the moulting season and the islands appear to be used as a shelter during poor weather in the spring / summer.